

REMARKS

Claims 1-38 and 82-86 are rejected in an Office Action dated November 3, 2009. Claims 1, 17, 33, and 82 have been amended, and claims 18 and 19 have been canceled. Support for the amendments may be found in the "Detailed Description of the Invention." Applicants respectfully request reconsideration of the present application in view of the following remarks.

Rejections under 35 USC 103(a) – over Rock with Graber in view of Caird

Claims 1-8, 16-32, and 82-86 are rejected under 35 USC 103(a) as being unpatentable over US 2001/0006173 to Rock et al. (hereinafter "Rock") taken with US 6,243,870 to Graber (hereinafter "Graber") and in view of US 3,768,156 to Caird et al. (hereinafter "Caird"). Claims 9-15 are rejected under 35 USC 103(a) as being unpatentable over Rock taken with Graber and in view of Caird as applied to claims above, and further in view of US 5,236,765 to Cordia et al. (hereinafter "Cordia"). Claims 33-38 are rejected under 35 USC 103(a) as being unpatentable over Rock taken with Graber and in view of Caird as applied to claims above, and further in view of US 5,658,164 to Parker (hereinafter "Parker").

Applicants traverse the rejection of the claims over these references for the reasons set forth in prior responses (e.g. January 8, 2009; September 11, 2009). As previously argued, Applicants respectfully assert that one skilled in the art of garment making clearly understands the difference between lamination, as disclosed, for example, in Rock, and seam tape processing as clearly stated and claimed in the instant application. The claimed invention would therefore not be obvious to one skilled in the art in view of the combination of references where none of the references disclose or suggest the claimed materials with specific reference to a seam sealing tape or seam taping processes, which provide the unexpected durability achieved and demonstrated by Applicants both in the instant specification and in the Declaration previously submitted.

It is asserted that one skilled in the art would be motivated to convert Rock from a barrier layer as used in a standard textile laminate process to a smaller barrier (making it more similar to the size of Applicants' claimed seam sealing tape); however, Rock does not teach this, and its embodiment is not enabled by the very limited lamination disclosure that Rock provides. Nor do the other references provide any enablement or motivation to do the same. Moreover, Applicants have demonstrated in the Declaration that reducing the size of the

barrier alone does not provide the enhanced durability performance, and may in fact decrease performance.

It is stated that Applicants' unexpected results are insufficient to overcome the rejection to the claims where it is believed that the evidence set forth in the declaration and the claims are not commensurate in scope. Applicants have amended the claims to overcome this rejection providing more specificity regarding the materials, and hope that these amendments will be sufficient to overcome the rejection to the claims.

It is asserted that it is not clear whether the lamination in the Declaration is the same as the lamination disclosed by Rock; Applicants assert that Rock provides very limited detail regarding lamination and Applicants, in the Declaration, used their best attempt to reproduce what one skilled in the art may view as the closest embodiment of Rock to the current claims.

Moreover, Applicants strongly traverse the position that there is nothing on record to distinguish the bonding process of Applicants from Rock. Applicants assert that any deficiency lies with Rock's failure to adequately enable the particular lamination embodiment, or by the Office ascribing more than what was intended by Rock or more than what would be understood by one skilled in the art of garment manufacturing upon a fair reading of Rock. Applicants assert emphatically, and respectfully, that one skilled in the art of garment manufacture would clearly and without a doubt unequivocally understand that basic fabric lamination processes as mentioned in Rock are not the same as the seam sealing tape procedure quite clearly described in the instant application. Any difficulty in ascertaining a clearer distinction between the two lies only with 1) Rock's failure to fully enable the lamination disclosure therein, or 2) by interpreting the lamination embodiment of Rock in a manner that goes beyond the intended disclosure of Rock. Applicants do not refer to the processes used herein to attach a cable by a tape to the textile as a textile lamination process, nor do Applicants refer to the product produced therefrom, as a laminate.

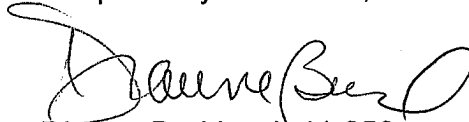
In view of the amendments to the claims and the above remarks, removal of the rejection to the claims is requested.

Conclusion

For the foregoing reasons, the present invention as defined by the claims is neither taught nor suggested by any of the references of record. Accordingly,

Applicants respectfully submit that these claims are now in form for allowance. If further questions remain, Applicants request that the Examiner telephone Applicants' undersigned representative before issuing a further Office Action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dianne Burkhard", with a large, stylized flourish at the end.

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